

**DRAFT****October 17, 2006**

**SUBJECT:** Consideration of Revisions to Council Policy Governing Boards and Commissions

**REPORT IN BRIEF**

This report responds to Council's request that two specific revisions to Council policy governing Boards and Commissions be considered:

- 1) require that board and commission members complete their existing terms before being appointed to a different board or commission; and
- 2) merge the Board of Building Code Appeals with another Board or Commission.

Pros and cons are identified for both options. Staff finds that the City Charter already requires that board and commission members complete their existing terms before being appointed to a different board or commission. Staff also recommends that Council charge the *Ad Hoc* Charter Review Committee with exploring board and commission appointment requirements. Staff recommends against the merger of the Board of Building Code Appeals with another board or commission.

**BACKGROUND**

On June 13, 2006, City Council requested that staff explore two possible revisions to its policies regarding boards and commissions. Councilmember Moylan requested that staff explore the pros and cons of requiring board and commission members to complete their current term before being appointed to a different board or commission. Councilmember Spitaleri requested that staff explore the possible incorporation of the Board of Building Code Appeals into another existing board or commission. Changes such as these to Council policy typically are considered in the context of the City's annual Study Issues process, allowing Council to prioritize all potential policy studies simultaneously, and to then ensure adequate staff time is allocated to those with Council's highest ranking. Given Council's desire to consider the changes identified in this report prior to this coming fall's recruitment of new board and commission members, and prior to the consideration of possible study issues for 2007, staff has not conducted an in-depth study but rather presents basic background and general information for Council's consideration. Should Council desire a more comprehensive review of related subject matter, staff

recommends these items be pursued in the context of this coming fall's Study Issue process for 2007.

## **EXISTING POLICY**

Related Charter sections, Municipal Code sections, and existing Council policies are detailed below.

### City Charter

Section 1000. (reads in part): In addition (to Charter boards and commissions), the City Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. (*Note that the Building Code of Appeals is not a Charter board or commission, and was formed by ordinance under the authority of this Charter provision*).

Section 1002. (reads in part): Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission. (Prior to amendment in 2006, this section read: "No member of any board or commission shall be eligible for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served.")

### Municipal Code

Chapter 16.08.050 of the City's Municipal Code (reads in part):

"There is hereby created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction, and who shall be appointed by the city council. The building inspection superintendent shall be an ex officio member and shall act as secretary of the board. The board of appeals shall have the following powers and duties:

- a) To adopt reasonable rules and regulations for conducting its meetings and performing its duties;
- b) To determine the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of the several building and housing codes;
- c) To hear and determine all appeals from the decisions or orders of the building inspection superintendent;
- d) To conduct reasonable investigations in connection with the enforcement of the codes;

- e) To render all decisions and findings in writing to the building inspection superintendent, and to provide copies thereof to the city council and any person interested or affected by each such decision and finding;
- f) To recommend to the city council any new legislation consistent with the codes;
- g) To perform such other duties as it may be directed and ordered to perform by the city council.”

This Chapter of the Municipal Code is supported by Ordinance 2704-02.

### Council Policy

Council Policy 7.2.10 supports City Charter Section 1002 with regard to appointments and eligibility requirements, with additions discussed below (see Attachment A).

### **DISCUSSION**

#### **Consider Requiring Board and Commission Members to Complete Their Existing Terms Prior to Becoming Eligible to Serve on a Different Board or Commission**

Recent practice would suggest that board and commission members do not need to complete their existing term before being appointed to a different board or commission. In 2006, Council appointed a member of the Board of Building Code of Appeals to the Planning Commission and a member of the Library Board of Trustees to the Arts Commission prior to either member completing their original term.

Subsequently, Council asked that a new policy be considered to require board and commission members to complete their original term of assignment prior to being appointed to a different board or commission. Such a new requirement would not preclude a board or commission member from *applying* for appointment to a new board or commission prior to completion of an existing term, so long as that existing term was completed prior to actual appointment to the new role.

Despite these recent appointments, staff notes that the City Charter dictates that “any person appointed to a board or commission shall be immediately eligible, *upon expiration of their term*, to serve on a different board or commission.” (Please see Attachment B, Charter Language as Amended November 8, 2005). The City’s legal interpretation of this language is that it precludes persons appointed to a board or commission from being eligible to serve on a different board or commission prior to expiration of their term. While

this particular section of the Charter was recently revised, the previous Charter language governing this section could be interpreted similarly: “No member of any board or commission shall be eligible for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served.” (Please see Attachment C, Charter Language Prior to November 8, 2005 Amendment).

Why then did staff recently identify two board members as eligible for appointment to different boards and commissions prior to the completion of their original terms? Unfortunately, a clerical error in the recording of the amended charter language resulted in the following language being certified and distributed:

“Any person appointed to a board or commission shall be immediately eligible to serve on a different board or commission.” (Attachment D, Certified Charter Language with Clerical Error). This language was the basis for the determination of eligibility, and it was not until recent review that staff discovered the discrepancy between this language and the language actually approved by the voters: “Any person appointed to a board or commission shall be immediately eligible, *upon expiration of their term*, to serve on a different board or commission.” Upon discovery of the clerical error, the City immediately filed the correct Charter language with the Secretary of State and fixed the problem. While this amended language eliminates the requirement that board and commission members wait two years after completing their original term to be appointed to a different board or commission, it does not eliminate the requirement that they complete their original term before being appointed to a different board or commission. To accomplish that, the phrase would read “upon expiration of their term, or resignation.”

Exacerbating the clerical error described above, however, is Council Policy 7.2.10, which stipulates that “Should a member be appointed to another Commission role, a letter of resignation must be submitted at the time that the new role is assumed.” (See Attachment A, Council Policy 7.2.10, section 12—Concurrent Service). This policy supports the past practice that it is acceptable for a board or commission member to be appointed to another board or commission prior to completing their original term (otherwise, a letter of resignation would not be necessary).

### Pros and Cons of Existing Charter Language

#### Pros:

The existing Charter language requiring board/commission members to complete original terms prior to being appointed to a different board or commission likely results in:

- A reduction in the number of board and commission vacancies the City encounters (some of those aspiring to different boards and commissions are no doubt motivated by such a policy to finish their existing terms in order to apply for a different board or commission). This helps to maintain the membership strength of boards and commissions, positively impacting their ability to fulfill their duties.
- A reduction in the number of recruitments pursued by the Office of the City Clerk, saving staff time and effort.

Cons:

Possible negatives associated with requiring board and commission members to complete their original term before being appointed to a different board or commission include:

- The loss of board and commission candidates. Those unhappy with an existing role, but interested in another board or commission, might simply resign rather than wait to complete their current term. In this case, the City loses a board or commission member it might otherwise have retained.
- Restricted Council flexibility. If board and commission members were allowed to be appointed to different boards/commissions prior to completing original terms, Council could choose whether or not to exercise that option on a case by case basis through the applicant/interview process. Requiring members to complete their original term does not allow this flexibility.

**Possible Merger of Board of Building Code Appeals With Another Board or Commission**

Origin and Purpose of the Board of Building Code Appeals:

The Board of Building Code Appeals is not a Charter Board. Rather, the State Building Code and the City's Municipal Code provides the legal basis for the Board of Building Code Appeals. Section 105 of the State Building Code requires that the City maintain a board with "members qualified by experience and training in building construction" (see "Existing Policy" section on pages 2 – 3 of this report for details). The Board of Building Code Appeals was established by City Council in June, 1966.

How Does the Board Typically Function?

When a member of the public appeals a ruling made by the City's Building Official relative to an issue under plan check or construction inspection, the Board is convened to hear both sides of the issue and to render judgment. The Board's decision is final and can not be appealed to Council. The Board,

therefore, serves as an objective, informed third party to render decisions relative to plan checks and construction inspections where City staff and the public disagree.

#### Importance of the Board

While the State Code does not require a Board per se, the importance of maintaining an independent body capable of making objective, informed decisions on these matters is essential and required by law. The question is whether or not this can be accomplished in a more effective or efficient fashion.

#### How is Membership Determined?

Board members are appointed by Council following the City's standard recruitment and selection process orchestrated by the Office of the City Clerk for all City board and commission appointments. Members serve four-year terms.

#### How Often Does the Board Meet?

The Board of Building Code Appeals officially meets "as needed". Given that the Board of Building Code Appeals has been used primarily to address public appeals of rulings made by the City's Building Official relative to permitted conditions or construction inspections, and given the infrequent nature of such appeals being filed, the Board has not met often. In fact, to the best of staff's knowledge, the Board has met only three (3) times in the past 14 years.

#### Legal Ramifications

Given that the Board of Building Code Appeals is not required by City Charter, no change in the Charter would be required to merge this board with another board or commission. City Code, however, would need to be revised to eliminate reference to the Board of Building Code Appeals, and to indicate that the duties currently associated with the BBCA were assigned to a different board or commission.

#### Possible Options to Consider

Theoretically, the Council can merge the BBCA with any other City board or commission, provided it is willing to revise the eligibility requirements for that other board or commission accordingly. A complete listing of the City's Council-appointed boards and commissions follows:

Arts Commission

Bicycle and Pedestrian Advisory Committee

Board of Building Code Appeals

Board of Library Trustees

Child Care Advisory Committee

Heritage Preservation Commission

Housing and Human Services Commission

Parks and Recreation Commission  
Personnel Board  
Planning Commission

There would appear to be only two commissions with any natural tie to the duties currently performed by the BBCA---the Planning Commission, and the Housing and Human Services Commission.

Section 1010 of the City Charter dictates that “the **Planning Commission** shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City;
- (b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and
- (c) Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled “Planning” of the Government Code of California , or as hereafter amended or added to, insofar as they do not conflict with the provisions of this Charter.”

The **Housing and Human Services Commission** is not a Charter commission—rather it was established by Council on March 19, 1985 to advise the Council on existing and potential programs, policies and other issues regarding housing and human services in Sunnyvale. One of its routine functions is to advise the Council on city funding of outside groups providing human services to the community, and to review housing-related Community Development Block Grant programs and priorities.

Pros and Cons Associated with a Merger  
Pros:

- The Office of the City Clerk currently oversees an on-going recruitment and selection process to maintain memberships in ten boards and commissions. This can be a time-consuming venture. Merging the BBCA with another board or commission would reduce the number of recruitments and selections necessary. Given the restrictions governing BBCA member qualifications and the few times this board meets, finding qualified applicants willing to serve can be a challenge. Council is also involved in this process, and the cost/benefit of time spent interviewing applicants for the BBCA can be challenged. The merger of this board with another would make the recruitment and selection process more efficient.
- For the same reason outlined above, BBCA members can become disenchanted with their limited role, or frustrated by a requirement to

attend generic board/commission training sessions (such as the recent ethics training). It would, in fact, be quite possible for a BBCA member to go an entire term without ever having the board called to issue a ruling. Merging this board with another might result in board members who felt more engaged and effectively used by the City.

Cons:

- Notwithstanding the concerns identified above this board operates as intended and when needed. That is, while seldom called upon, the BBCA serves as an effective tool when needed.
- To merge this board with another would require that the merged board or commission adopt stiffer eligibility requirements. For example, should the Housing and Human Services Commission adopt the duties of the Board of Building Code Appeals, members of the HHSC would also need to adopt the eligibility standards required by law of BBCA members—that is, future appointees would be required to have experience and training in building construction and disabled accessibility regulations. This would eliminate a large number of candidates who would otherwise qualify to serve on the Housing and Human Service Commission. Members appointed to the merged board/commission might also feel that there was little relationship between the skills and qualifications cited for their selection (i.e., building construction) and the primary task of their merged board/commission (e.g., planning/zoning issues or housing and human services issues).

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**CONCLUSION**

Staff has found that the current City Charter precludes the ability of board and commission members from being appointed to another board or commission prior to their completion of their original term. There are pros and cons, however, to requiring that board and commission members complete their existing term prior to being appointed to a different board or commission. The merger of the Board of Building Code Appeals with another existing board or commission is possible, but also has the potential for both positive and negative consequences.

**PUBLIC CONTACT**

Public contact was made through the posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication of the Council agenda in the *San Jose Mercury News*, and the availability of the report in the Library and the Office of the City



Clerk. Copies of this report were also shared with each of the City's Boards and Commissions.

### **ALTERNATIVES**

1. Accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed. Cease any practice not in compliance with such an interpretation. Revise Council policy 7.2.10 to support that position.
2. Charge the *Ad Hoc* Charter Review Committee with reviewing the existing charter language prohibiting board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.
3. Do not accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.
4. Do not merge the Board of Building Code of Appeals with another board or commission.
5. Merge the Board of Building Code Appeals with another board or commission to be determined by City Council.
6. Other action as determined by Council.

### **RECOMMENDATION**

Staff recommends Alternatives 1, 2, and 4:

1. Accept this report's finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed. Cease any practice not in compliance with such an interpretation. Revise Council policy 7.2.10 to support that position.
2. Charge the *Ad Hoc* Charter Review Committee with reviewing the existing charter language prohibiting board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed.

Staff believes there is some merit to considering a change in the Charter to allow Council's recent practice to continue. That recent practice allowed Council (by majority vote on a case by case basis) to effectively require that existing board and commission members complete their existing term prior to being appointed to a different board or commission, but also allowed Council to appoint members who had not completed their existing term

when deemed appropriate. Staff recommends that the pros and cons of a charter change to retain that flexibility be further explored during the Charter Review process.

4. Do not merge the Board of Building Code Appeals with another board or commission.

While staff appreciates the motivation behind the concept of such a merger, it believes the associated benefits would be outweighed by unintended consequences: a significantly restricted applicant pool for the merged board/commission (given the strict eligibility requirements for building code of appeal work), and the possible frustration of board/commission members appointed on the basis of construction knowledge who rarely are asked to exercise that knowledge as a board/commission member.

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### **Attachments**

Attachment A: Council Policy 7.2.10, Eligibility Requirements for Boards and Commissions

Attachment B: Charter Language as Amended November 8, 2005

Attachment C: Charter Language Prior to November 8, 2005 Amendment

Attachment D: Certified Charter Language with Clerical Error

## **Attachment A**

## **Policy 7.2.10 Eligibility Requirements for Boards and Commissions**

### **POLICY PURPOSE:**

This policy is designed to provide a comprehensive statement of all eligibility requirements for appointment to Boards and Commissions.

### **POLICY STATEMENT:**

Specific membership requirements for charter-related Boards and Commissions are as follows:

#### **1. Personnel Board:**

##### **A. Membership:**

There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan club or organization, nor a former City employee. (Source: City Charter Section 1007)

##### **B. Membership Requirements:**

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1007)

##### **C. Selection Process:**

The members of the Personnel Board shall be selected and appointed in the following manner: Three of the members shall be appointed by the City Council directly; two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: City Charter Section 1007)

##### **D. Term of Office:**

The members of the Personnel Board shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

#### **2. Planning Commission:**

##### **A. Membership:**

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager or his/her designated representative, shall serve as an ex-officio member of the Commission. (Source: City Charter Section 1009)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1009)

C. Selection Process:

All persons seeking membership on the Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Planning Commission shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

3. **Parks and Recreation Commission**

A. Membership:

There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government. (Source: City Charter Section 1011)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1011)

C. Selection Process:

All persons seeking membership on this commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Parks and Recreation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

4. **Board of Library Trustees:**

A. Membership:

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government. (Source: City Charter Section 1013)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1013)

C. Selection Process:

All persons seeking membership on this Board shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Board of Library Trustees shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 10013)

5. **Heritage Preservation Commission**

A. Membership:

The Heritage Preservation Commission shall consist of seven members, each to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government. (Source: City Charter Section 1015)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a

member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter Section 1015)

C. Selection Process:

All individuals seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Heritage Preservation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

6. **Board of Building Code Appeals**

A. Membership:

The Board of Building Code Appeals shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction, and who shall be appointed by the City Council of the City. (Source: Municipal Code, Chapter 16.08)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council. (Source: City Charter Section 1007)

C. Selection Process:

All individuals seeking membership on this board shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Board of Building Code Appeals shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter Section 1003)

Specific membership requirements for non-charter-specified Boards and Commissions are as follows:

7. **Arts Commission**

A. Membership:

The Arts Commission shall consist of five members appointed by the City Council. The members of this Commission shall have a demonstrated interest in the arts and in the art programs of the City. Strong consideration shall be given to applicants with a background in the arts. (Source: Resolution No. 193-84).

B. Membership Requirements:

All persons appointed to the Arts Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Commission. (Source: Resolution No. 193-84).

C. Selection Process:

All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Arts Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter Section 1003)

8. **Housing and Human Services Commission**

A. Membership:

The Housing and Human Services Commission shall consist of nine members appointed by the City Council. The function and purpose of this Commission is to assist the City Council in matters that pertain to existing and potential programs, policies, and other official City undertakings in the fields of housing and human services. (Source: Resolution No. 134-85. Name changed pursuant to RTC 93-034; Number of members reduced RTC 01-359).

B. Membership Requirements:

All persons appointed to the Housing and Human Services Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City.

Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person thereafter shall be ineligible to continue to serve as a member of the Commission. The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues. (Source: Resolution No. 134-85).

C. Selection Process:



All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Housing and Human Services Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: Resolution No. 134-85).

9. **Child Care Advisory Board**

A. Membership:

There shall be a Child Care Advisory Board consisting of 7 members to be appointed by the City Council. The Board membership shall consist of representatives of 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; 4) business community; 5) parents; 6) related fields. No more than two representatives of a category will serve at any given time. In the event there are unfilled vacancies due to lack of participation from one of the above groups, vacancies may be filled by representatives of other agencies with a role in child care or the community at large. (Source: City Council motion May 26, 1992)

B. Membership Requirements:

All persons appointed to the Child Care Advisory Board at the time of his or her appointment shall be affiliated with (either through employment or an official membership) the above noted organizations. In the event that the affiliation ceases, that person shall be ineligible to continue to serve as a member of the CCAB. (Source: City Council motion May 26, 1992)

C. Selection Process:

1) Designated Agency Appointments:

When a vacancy occurs in the following categories: 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; representative agencies shall be contacted to make an appointment to the CCAB. The City Council will ratify the appointment. In the event that one or more of the designated agencies elects not to participate in the CCAB, the City may accept applications from other agencies involved in child care and will consider these applications amongst the multiple agency/individual appointments as described below.

2) Multiple Agency or Individual Appointments:

For those membership categories for which there is more than one agency or organization which may be interested in seeking membership

on the CCAB, i.e., child care centers and family day care providers (includes one alternate), Sunnyvale businesses, religious institutions and parent representatives, the child care staff shall seek applicants through mailings and other targeted recruitment efforts. Child care staff will recommend appointments which will be ratified by the City Council.  
(Source: City Council motion May 26, 1992)

D. Term of Office:

The members of the CCAB shall serve for a term of four years and until their respective successors are appointed. Membership terms shall be staggered.

The designated agencies are required to identify the most appropriate representative, which could result in an individual serving multiple terms as the designated agency representative. The limitation on terms that is policy for most of the existing boards in the City be waived for those categories of membership in which there is only one designated agency (C.1 above).

E. Attendance Policies:

Attendance policies for the CCAB will be consistent with those of other boards and commissions in the City with the exception that members may send alternates in their stead who shall have full voting rights. The member shall be reflected in the minutes as having been in attendance through the alternate.  
(Source: City Council motion May 26, 1992)

10. **Bicycle and Pedestrian Advisory Committee**

A. Membership:

There shall be a Bicycle and Pedestrian Advisory Committee consisting of seven members to be appointed by the City Council. No member of the Committee shall hold any paid office or employment in the City government. (Source: Resolution No. 173-92. Name changed pursuant to RTC 00-337).

B. Membership Requirements:

The members of the Committee shall be selected from two categories.

- 1) Category One shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Committee.
- 2) Category Two shall include members of the PTA or other parent groups, representatives of the Santa Clara Unified School District or Sunnyvale School District administrations, commute coordinators for major employers within the City, members of neighborhood associations,

principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City. (Source: Resolution No. 173-92.)

C. Selection Process:

All persons seeking membership on this Committee shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Bicycle Advisory Committee shall serve for a term of four (4) years and until their respective successors are appointed and qualified, unless removed earlier by the City Council.

11. **Limitation on Terms**

A. Except as otherwise provided in the Charter, no member of any Board or Commission shall be eligible to serve for more than one four year term nor shall such member be eligible for appointment to the same or any other Board or Commission for two years after the expiration of the full term for which a member was appointed and served. (Source: City Charter Section 1002)

B. A person who has served less than two years of a term, whether full or unexpired, on any Board or Commission may be appointed to the same or another Board or Commission for one full four-year term if such appointment does not result in a person serving on one or more Boards or Commissions for more than six years without a break of at least two years, except as provided in C. and D. (Source: City Charter Section 1002)

C. Members of the Planning Commission, the Personnel Board and the Board of Building Code Appeals are eligible to serve two successive four-year terms on the same Board or Commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same Board or Commission for two years following the expiration of the second full term for which the member was appointed and served. (Source: City Charter Section 1003)

D. A person who has served less than two years of a term, whether a full or unexpired term, on any Board or Commission may be appointed to the Planning Commission, Personnel Board or the Board of Building Code Appeals for not more than two successive four-year terms if such appointment does not result in a person serving on one or more Boards and Commissions for more than 10 years without a break of at least two years. (Source: City Charter Section 1002)

12. **Concurrent Service**

No member of any Board, Commission or Committee, chartered or otherwise, may serve on more than one body at the same time. Should a member be appointed to another Commission role, a letter of resignation must be submitted at the time that the new role is

assumed. The only exception would occur in the case of special ad hoc review committees, such as Charter or General Plan Review Committees.

**13. Spouses, Household Members and Relatives**

No individual shall be appointed to or continue to serve on a City Board, Commission, or Committee, chartered or otherwise, who has a spouse, household member, or relative, within the second degree lineal or collateral consanguinity, currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Deputy City Manager, City Attorney or Department Director for the City of Sunnyvale.

No individual shall be appointed to or continue to serve on the Personnel Board who has a spouse, household member or relative within the second degree lineal or collateral consanguinity employed by the City of Sunnyvale in a position which has the right to have a disciplinary matter heard before the Personnel Board.

The definition of relative includes parents, grandparents, children, sisters and brothers, nieces and nephews, uncles and aunts related to the individual or spouse.

(Adopted: RTC 85-518 (10/22/1985); Amended: RTC 89-30CA (10/10/1989), 90-039 (1/31/1990), 91-210 (5/21/1991), 92-250 (5/26/1992), 92-409 (8/4/1992), [No RTC] (11/24/1992), 93-034 (2/9/1993), 01-5CA (7/31/2001), 01-359 (10/23/2001))

Lead Department: Office of the City Manager

## **Attachment B**

*Charter Chapter No. 36  
Statutes of 2005*

**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE  
Charter Article X. Appointive Boards and Commissions**

**General and Special Municipal Election Held November 8, 2005**

[Filed with the California Secretary of State \_\_\_\_\_]

Section 1002 of Article X of the Charter of the City of Sunnyvale is amended to read as follows:

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

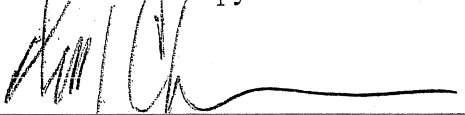
The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two four year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four year term terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1<sup>st</sup>, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1<sup>st</sup>.

Certified as a true copy:



Dean J. Chu, Mayor

Certified as a true copy:



Katherine Bradshaw Chappelle  
City Clerk  
(Seal)

## **Attachment C**

Article X, Section 1002, of the Charter of the City of Sunnyvale reads as follows:

**Article X**  
**Appointive Boards and Commissions.**

**Section 1002. Appointments. Qualifications.** Except as otherwise provided in this Article:

The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than one four year term nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however, be eligible to serve one full four year term upon the expiration of the unexpired term for which such person was appointed.

No member of any board or commission shall be eligible to serve for appointment to any other board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however, be eligible to serve on another board or commission upon the expiration of the unexpired term for which such person was appointed, subject to the limitation to two successive terms on the same board or commission with respect to the Planning Commission, Personnel Board and Board of Building Code Appeals.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st. (Amended effective December 31, 1975, May 1, 1989 and November 30, 1995)



## **Attachment D**

Charter Chapter No. 36  
Statutes of 2005  
**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE**  
**Charter Article X. Appointive Boards and Commissions**

**General and Special Municipal Election Held November 8, 2005**

[Filed with the California Secretary of State December 14, 2005 ]

Section 1002 of Article X of the Charter of the City of Sunnyvale is amended to read as follows:

Section 1002. Appointments. Qualifications. Except as otherwise provided in this Article:

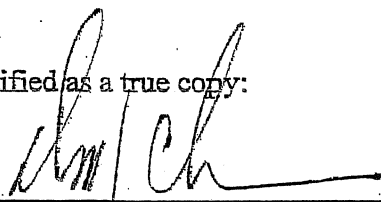
The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two four year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four year term terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible to serve on a different board or commission.


Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Certified as a true copy:



Dean J. Chu, Mayor

Certified as a true copy:

  
Katherine Bradshaw Chappelle, City Clerk  
(SEAL)